

HOUSE BILL 4237

By Matheny

AN ACT to amend Chapter 553 of the Acts of 1903; as amended by Chapter 405 of the Acts of 1907; Chapter 468 of the Private Acts of 1917, Chapter 505 of the Private Acts of 1925, Chapter 259 of the Private Acts of 1951, Chapter 513 of the Private Acts of 1951, Chapter 311 of the Private Acts of 1974, Chapter 161 of the Private Acts of 1992, Chapter 35 of the Private Acts of 1995; and any other acts amendatory thereto, to provide for a petition for recall and to provide the provisions thereof.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Chapter 553 of the Acts of 1903, as amended by Chapter 405 of the Acts of 1907; Chapter 468 of the Private Acts of 1917, Chapter 505 of the Private Acts of 1925, Chapter 259 of the Private Acts of 1951, Chapter 513 of the Private Acts of 1951, Chapter 311 of the Private Acts of 1974, Chapter 161 of the Private Acts of 1992, Chapter 35 of the Private Acts of 1995; and any other acts amendatory thereto, is amended by incorporating the following language as Sections 32 and 33 of the Charter of the City of Tullahoma, as follows:

32. Power of Recall

Except as otherwise provided by law, the people of the city may recall any elected local official and may exercise this power by filing in accordance with the requirements set forth by state law.

33. Recall Election

If the petition is certified by the county election commission and the elected official whose removal is sought resigns within ten (10) days after the certification and notice to the Board of Mayor and Aldermen, no recall election will be held.

(a) Recall Ballot

Ballots used at recall elections shall conform to the following requirements:

(i) With respect to each person whose removal is sought the question shall be submitted:

Shall (name of elected official) be removed from office?

(ii) Immediately below each such question there shall be printed the two (2) following propositions, one above the other, in the order indicated:

For the recall of (name of elected official)

Against the recall of (name of elected official)

(b) Results of Recall Election

If a majority of the votes cast at a recall election are against removal of the elected official named on the ballot, he or she shall continue in office. If the majority of the votes cast are for the removal of the elected official named on the ballot, the Board of Mayor and Aldermen shall at the next regularly scheduled meeting declare his or her office vacant and the vacancy shall be filled in accordance with the provisions of this Charter for the filling of vacancies. An elected official thus removed is not eligible to fill the vacancy for the remainder of the term.

(c) Limitation on Recall

No recall petition may be filed against an elected official within six (6) months after he or she takes office, and no elected official may be subject to more than one (1) recall election during a term of office.

SECTION 2. Any provisions of Chapter 553 of the Acts of 1903, or any other acts amendatory thereto in conflict with the provisions of this Act are hereby repealed.

SECTION 3. This act shall have no effect unless it is approved by a majority of the number of qualified voters of the City of Tullahoma voting in an election on the question of whether or not the act should be approved. The county election commission of Coffee County shall call an election for the City of Tullahoma, to be held within the time constraints of the statutory deadline established pursuant to § 8-3-202 for approval of local bills and within the time constraints of Tennessee Code Annotated, Section 2-3-204 from the date of the call. The ballots used in the election shall have printed on them the substance of this act and voters shall vote for or against its approval. The votes cast on the question shall be canvassed and the

results proclaimed by the county election commissioners and certified by them to the secretary of state as provided by law in the case of general elections. The qualifications of voters voting on the question shall be the same as those required for participation in general elections. All laws applicable to general elections shall apply to the determination of the approval or rejection of this act. The cost of the election shall be paid by The City of Tullahoma.

SECTION 4. For the purpose of approving or rejecting the provisions of this act, as provided in Section 3, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes the provisions of the act shall be effective only upon being approved as provided in Section 3.